

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-4348(DSD/AJB)

Otha Eric Townsend,

Petitioner,

v.

ORDER

Warden Lynn Dingle,
Attorney General Lori Swanson,

Respondents.

This matter is before the court upon petitioner Otha Eric Townsend's objections to the report and recommendation of Magistrate Judge Arthur J. Boylan dated October 30, 2007. In his report, the magistrate judge concluded that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and motion for evidentiary hearing should be denied.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Petitioner objects to the report and recommendation but provides no apposite legal authority to support his contentions. The court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of petitioner's claims. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 [Doc. No. 1] is denied.

2. Petitioner's motion for an evidentiary hearing [Doc. No. 3] is denied.

3. The action is summarily dismissed without prejudice for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 11, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court